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What Should We Do About Drugs?

MANAGE THE PROBLEM THROUGH LEGALIZATION

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WE ARE CONSIDERING today how to address an extremely complex social problem. The issue is not, "Should we 'legalize' drugs?" for their own sake. The issue is how does a society best address a complex economic, health, social, family and spiritual problem. Recently I was in Philadelphia, Pennsylvania at a conference on building a drug abuse prevention movement. That is a worthwhile way to describe the goal, far preferable to saying that we are going to build a "drug-free community." We must be careful how we define our terms. How do we define "drug," how we define "drug abuse" and how we define "prevention?" We know that

illegal drugs are having a tremendous negative impact on our community, our families and our nation, but to effectively address the problem of drugs in our environment, we must know a great deal more.

Almost any citizen can outline some of the horrors of drugs.

Deaths

- People being killed by drug users in the course of robberies.
- People being killed by drug traffickers in the competition in the drug business.
- People dying of drug overdoses.

—Children dying of neglect and abuse by drug using parents.

Crimes

—Robberies, burglaries, shoplifting, embezzling, fraud, prostitution — all to raise money to buy drugs.

—Money laundering and corruption by drug traffickers working to protect their profits.

Intoxication

—Accidents caused by people working or driving under the influence of drugs.

—Children failing to learn because they are under the influence of drugs in school.

—Lives of thousands of drug addicts wasted because of their addiction to drugs.

—Children born addicted to cocaine or suffering from Fetal Alcohol Syndrome.

—Half our motor vehicle fatalities involving drunken driving.

This is the widely known, daily newspaper-view of the "drug problem."

Now for many people, these problems are simply explained by the word "drugs." Drugs do this. Drugs did that. That is as simple, *and as wrong*, as it would be to look at the high proportion of black men in America's prisons, and say, "Blacks do this. Blacks commit crime."

We must understand more completely the complex impact of the drug phenomenon, and why it is the way it is so that we can effectively manage the problem.

Today I want to get beyond the "tip of the iceberg" thinking that surrounds the drug problem. I am not going to give you a better understanding of the tip of the iceberg, the number of illegal drug crimes or the number of cocaine addicted babies, you hear all that, *ad nauseam*, from people who hold important offices who feel they must be cheerleaders in the "war on drugs."

Because of the fraudulence, viciousness and perversity of the "war on drugs," I tend to be sarcastic about the established wisdom about the drug problem, and cynical about the motives of those who posture as anti-drug warriors. Let me state at the outset that I feel deeply for those who are hurt by drugs. There are alcoholics in my family and I have cousins whose lives have been detoured by drug abuse. I know personally how illegal drugs are a very serious problem for our society and a tragedy for many families. But I don't let my emotion blind me to the facts.

The principal reason why illegal drugs like cocaine and heroin are as harmful as they are is not simply because of their physiological or psychological properties, but because of the vicious, racist, anti-democratic, and just plain stupid way our society has dealt with drugs.

I believe that the drug problem is a problem that must be managed like other complex problems. If there is anyone in this room who believes that in the next 20 or 30 years we can *eliminate* solid waste, water pollution, air pollution, acid rain, alcoholism, cancer, or birth defects, please raise your hand.

None of them will be eliminated, but all of them will be reduced because we will manage the problem, and because we will not take absolutist, unrealistic or moralistic approaches. For example, none of you would propose that we take a "zero tolerance" approach to solid waste or air pollution. No one proposes making it a felony to drive a car that emits air pollutants, we set standards for automobile emissions and motor

vehicle fuels. No one would make it a felony to flush a toilet, or put plastics in the trash, we set plumbing codes and establish regulations. We deal with these problems comprehensively, dispassionately and incrementally.

When we talk about drugs, we have to use the term "drugs" truthfully, and not on some absurd legally-technical basis, like controlled substances. When we use the term "drug," we must first look at legal drugs, principally alcohol and tobacco. Almost all of us know that legal drugs are a much more serious problem than illegal drugs both in terms of deaths, health and crime.

The leading deadly drug in Colorado, as it is for the entire nation, is tobacco. In 1988 the Surgeon General's Report to Congress on Smoking and Health stressed over and over: Tobacco is as addictive as heroin and cocaine. The Centers for Disease Control estimate national tobacco deaths at 400,000 per year. That's over 1000 per day. Yet nationally, illegal drug deaths, from all causes, are at a maximum, in the range of 10,000 to 15,000 per year.

Alcohol is reported in surveys of persons in prison to have been used more frequently at the time of the commission of a crime than were illegal drugs. Alcohol use results in about 100,000 deaths per year in the U.S.

When we think about the impact of drugs on Colorado, let's look not only at the headline story in *The Rocky Mountain News* or *The Denver Post* but also in the obituaries. When the obit says, Mr. Jones, died at age 56 of a heart attack or cancer, it doesn't tell us that Mr. Jones has been addicted to cigarettes for 40 years, and has tried, unsuccessfully, to quit 8 times.

Even aspirin kills about as many Americans in a year as does cocaine.

Second, when we hear the term, "the drug culture," what do we think of? Is it the 1967 "summer of love" in San Francisco, The Doors, Jimi Hendrix, Lenny Bruce, Janis Joplin — people who have been dead for 20 years? That is an anachronism.

You don't think of the Camel "Smooth" Character, "Spuds McKenzie" for "Bud Light," the "Schlitz Malt Liquor Bull," cigarettes "alive with pleasure," "Virginia Slims — you've come a long way, baby," "Anacin" for "FAST, FAST, FAST Relief," "Midol," because you "don't have time for the pain," "Motrin" IV, I mean IB, and more doctors recommend "Preparation H" which shrinks painful hemorrhoidal tissues fast, in time for "Miller Time," and "the night which belongs to Michelob." That's the drug culture.

The drug culture is instant chemical relief, it is chemical sexiness, chemical camaraderie, chemical sophistication, chemical success and chemical self-esteem. The messages of the drug culture, and the values of the drug culture are created on Madison Avenue and bombarded at us and our children 24 hours a day.

Legal drugs are dangerous, they are killers, yet they are being promoted to us. Their promotion is one of the biggest industries in our nation, and our attitudes about drugs are being shaped in the context of that promotion.

If we want to deal with the drug problem, we have to deal with legal drugs and the drug culture of instant relief and surrogate sophistication. If we want to deal with the drug problem, we must be comprehensive and deal with all drugs more forthrightly and more effectively.

At a minimum when we think about the impact of drugs, we have to break the impacts down into the impacts of legal drugs and the impacts of illegal drugs. A part of our examination,

even more important than asking "what are the impacts of drugs," is to ask "why do drugs have the impacts on our community that they do?"

What is drug "abuse?" Abuse is more than simply doing something which is risky and harmful over the long term. Responsible alcohol consumption may be injurious to some people because of particular physical sensitivities of their bodies. Playing professional football results in many serious, permanent injuries. Even with the best protection, and the best training and conditioning, those injuries are the *inevitable* risks of the activity. Because people are injured doesn't mean that abuse is involved.

Abuse involves going over some line, and the line isn't always clear. Playing football without protection is abuse. Drinking three or four beers during a Denver Broncos game is not generally drug abuse. But hopping behind the wheel at the stadium after drinking those beers is abuse. Smoking marijuana at home lounging around is not abuse. But for a student, smoking pot in school is abuse. Children drinking wine at Passover Seder is not abuse. Children drinking "Bud Light" under the porch can become abuse. Drug use which breaks the law is not *per se* drug abuse.

Legal drugs have many of the adverse impacts that they do because they are widely promoted, because they are inadequately regulated, and because their dangers are minimized — particularly in comparison with illegal drugs. We bombard the society with the message to stay away from illegal drugs because they are dangerous — and the implicit message is that the legal drugs are not dangerous. For the tobacco and alcohol industry, that's a terrific message.

The harms of illegal drugs that are most obvious and most troubling are due to the inadequate way in which we regulate illegal drugs. Illegal drugs are totally unregulated, even less regulated than savings and loans, and we know how well that deregulation scheme worked. By making certain drugs illegal, we have given responsibility for selling them to organized crime, and we know how much social responsibility organized crime has.

The illegal drug laws are based on a simple premise: The American people are too stupid to know what's dangerous, and too lacking in self-control to avoid dangerous habits. Therefore they must be prohibited from using the illegal drugs. But prohibition, as we recall from the 1920s is not a particularly successful way to deal with complex problems, and it has lots of undesirable side effects. And this premise of American stupidity and irresponsibility is fundamentally anti-democratic. Can we as a society decide that we are going to sell dangerous poisons, addictive drugs, drugs that create psychosis and breed crime? We decided that question in 1933 in the affirmative.

My thesis is that the undesirable consequences we see in the impact of illegal drugs in our community *are increased by prohibition*, and that the more promising strategy to reduce those impacts is to manage the problem through intelligent and comprehensive regulation.

I am not making the argument that drugs ought to be legalized along the lines of the alcohol model. Drugs, including alcohol, should not be promoted. Indeed, to address the problems of crack and angel dust, I believe, *requires* that we deal with "Schlitz Malt Liquor," "Cisco" fortified wine, and cigarettes and smokeless tobacco with more restrictive regulations.

This leads me to the question of "prevention." Prevention

is rarely simple. When addressing complex behavior involving the use of many types of drugs, by many people, for a variety of reasons, prevention of abuse is complex. Prevention involves regulation, social policy, advertising policy, family values, schools, economic policy, spiritual values and culture. Prevention is not "Just Say No!" T-shirts. It starts with sex education, it involves avoiding teenage pregnancy, it includes pre-natal care, it involves building strong, functional families, it involves early, positive experiences, good housing, it requires good schools and dedicated teachers, adequate recreation, adequate nutrition, positive role models, positive affirmations, love, more love, self-love, hope, trust, respect, opportunity. Prevention truly requires breaking down our society's indifference to poverty and racism. Specialized drug abuse education is a small part of a true preventive program.

I urge you to read the recent report from The Milton S. Eisenhower Foundation, *Youth Investment and Community Reconstruction: Street Lessons on Drugs and Crime for the Nineties*. It is available from the foundation at 1660 L Street, N.W., Suite 700, Washington, D.C. 20036 (Phone 202-429-0440). That is a genuine blue print for addressing the drug problem.

We must make prevention our principal strategy. Unfortunately, the National Drug Control Strategy presented to the nation by President Bush makes military involvement in South America, enlistment of the National Guard, the construction of prisons, and the purchase of law enforcement hardware the foundation of the strategy. His strategy is the same strategy which has failed since President Nixon declared war on drugs in 1972, it just comes with a much bigger price tag. Bush requests a total of \$11.654 billion for FY 1992. But *only 13 percent* for drug abuse prevention (\$1.514 billion), and *only 14 percent* for drug abuse treatment (\$1.654 billion).

The budget calls for \$1.158 billion for anti-drug activities in the Department of Defense alone, up from \$800 million in 1990, now more than 10 percent of the entire request. The 1992 corrections request is \$1.680 billion (more than 14 percent of the request), up \$380 million in one year, the Administration's goal is to double federal prison capacity by 1996. Yet drug abuse treatment is offered in only two Federal prisons. The request for interdiction (to stop drugs coming in over the border and coastline), the most costly and one of the least effective components of the supply control program, is \$2.109 billion, more than 18 percent of the request. It was \$948 million in 1988 and only \$473 million in 1983.

Yet the latest National Strategy cuts back on treatment and prevention programs: In FY 1991 \$38.5 million was projected for reducing waiting lists at drug treatment programs — the President asks to eliminate that program to nothing in FY 1992. In FY 1990 and FY 1991 the Community Youth Program of the Office of Substance Abuse Prevention spent \$20 million. This program was also "zeroed out" for FY 1992.

Basically our national strategy, and it has been Colorado's strategy, is a prohibition strategy. At least three vital aspects of our community which are being hurt because the strategy is a prohibition strategy: public safety, health, and the economy. *First Let's Look At Public Safety*

1. In larger cities, police don't respond to "911" calls for service unless illegal drugs are reported to be involved. Excessive attention to illegal drugs means that other important problems get less attention.

2. In larger jurisdictions police investigative resources are so overwhelmed that they can rarely investigate burglaries,

robberies, rapes or other crimes where the offender has fled. That means that these crimes are less likely to be solved, and the offenders are likely to commit more crimes.

3. Intelligent and ambitious police officers seek drug enforcement jobs where there is more fame, faster promotions, and more resources, instead of applying their intelligence and ambition to solving predatory crimes.

4. The U.S. attorneys and district attorneys are overworked on drug cases. Robbery, car theft, burglary and theft are lower priority cases than drug cases.

5. Police laboratory services are devoted to drug cases instead of other cases such as examining evidence in rape cases, or burglary cases.

6. Public defenders are overworked. Drug cases carry mandatory sentences and thus have higher stakes to the client. Public defenders have less time to adequately represent their clients generally, including those who are innocent and mistakenly accused.

7. Judges are now case processors, managing overcrowded dockets, being evaluated on the speed with which they dispose of cases. They no longer are evaluated on the degree of fairness or the quality of justice they dispense. Individuals don't get individualized justice, they are simply products of a judicial assembly line.

8. Correctional resources are overwhelmed with drug possession and drug trafficking cases. Many jurisdictions are under orders to reduce overcrowding. Releasing authorities are forced to let offenders, even violent offenders, out of prison early to make room for new, often non-violent offenders.

These are criminal justice system impacts from the prohibition of drugs. Consider the crime impacts from the prohibition of drugs.

How many of you have ever had a disagreement with a business about something that you purchased? If you have a disagreement, the Uniform Commercial Code provides rules for the non-violent resolution of the conflict. If your supplier sends defective goods, you know how to solve that conflict. At worst, you get caught in a law suit. How many of you are worried that a dispute with a supplier or a customer in your business is going to result in you being shot?

How are disputes in the drug marketplaces resolved? In the illegal drug business, which has conflicts between market participants just like all businesses, the *only* way for conflict to be resolved is through violence. A drug dealer cannot sue a supplier for delivering a short weight, or less-than-the-represented purity. A drug dealer can't sue a distributor to obtain payment for product delivered on consignment. These conflicts are resolved through violence.

The illegal drug dealer doesn't take checks or credit cards, or send invoices. Payments are in cash. Legal businesses with large cash volumes, a liquor store or a supermarket, hire a professional security service to provide a licensed armed guard for protection. The illegal drug business needs the same protection, but it is supplied by criminals. Drug dealers can't call the police if someone steals the day's receipts. They have to use violence against the thieves. Thus drug dealers accumulate armories of powerful weapons in our neighborhoods which are placed in the hands of those likely and willing to use them, not those who have been trained, like the off-duty police officers at the supermarket. Those weapons are available for use in any kind of violence in the community.

The prohibition strategy increases property crime and vio-

lence and at the same time undermines the criminal justice resources available to address those crimes.

Let's Look At The Health Consequences Of Our Prohibition Strategy

Because of prohibition there are no regulatory controls on the manufacture, packaging or distribution of illegal drugs. As a result poisonings from contaminated illegal drugs are widespread. And overdoses from batches of illegal drugs of unknown strength are widespread.

Prohibition means that drug addicts get lower quality drugs, and all of the protections we associate with the regulated drug industry are missing. Life for drug users and addicts is made worse, not better by prohibition.

Important, legitimate pharmaceutical pain relievers like Percodan or Dilaudid, that can substitute for heroin, are extremely valuable and popular among addicts because their purity is known and their strength is known. Use of legal pharmaceutical narcotics poses lower health risks to users. But because their strength and purity are dependable they are more valuable on the street drug market. Thus they are very frequently stolen from pharmacies. Thus many pharmacies will not carry such drugs, to discourage robberies and burglaries, which means that patients who need these legal drugs find them harder to obtain.

The increased risk of carrying such drugs makes them more expensive to legal customers. The increased price, plus the increased security, plus the cost of stolen inventory all result in higher costs to insurance companies, which means higher health insurance premiums for all of us.

Okay, first, there are more overdoses. Second, there are more poisonings. Third, legitimate pain-killers are harder to get. Fourth, there are more pharmacy robberies. Fifth, insurance premiums are higher to pay for legal drugs made more expensive. We are just beginning to get below the tip of the iceberg in the health area.

Sixth, one of the biggest consequences of the prohibition approach to drugs is the spread of HIV and other blood borne diseases such as hepatitis. This is because IV syringes, i.e. needles, are classified as drug paraphernalia, and are hence illegal. That makes clean injection equipment scarcer and more expensive, and discourages addicts from carrying their own "works." Possession of works, because it is illegal, is probable cause for arrest.

The "war on drugs" says that it is more important to "send a message" that drug use is unacceptable by banning the sale of injection equipment, than it is to save lives by preventing the spread of HIV through the sharing of needles. In a growing number of cities around the world legal-needle laws and clean for dirty needle exchange programs are cutting down on the spread of HIV.

Seventh, the blood supply is put at risk for spreading HIV and hepatitis because addicts sell their blood to buy expensive illegal drugs.

Eighth, ordinary patients suffer needlessly because pain medication is withheld or underprescribed because doctors fear investigation if they prescribe strong narcotic pain relievers. This has been confirmed by the World Health Organization as an international problem, and it is a serious problem throughout the United States.

Ninth, ordinary patients needlessly suffer because a drug such as marijuana used to treat glaucoma (one of the leading causes of blindness in the U.S.), to treat the nausea of anti-

cancer chemotherapy, or to treat spasticity; or a drug like heroin, used in Britain and Canada as legal pain reliever, is withheld from patients who could benefit from the drug in order to maintain medically false legal distinctions.

Tenth, drug users avoid medical treatment because their illegal drug use may be detected in an examination and reported to law enforcement authorities. Their medical conditions become more severe and more expensive to treat. The very people who the drug laws are supposed to help are discouraged from obtaining medical treatment. All of us pay a greater price as a result.

Eleventh, more babies are put at risk because pregnant drug users stay away from pre-natal clinics because they fear being reported and jailed. Laws rationalized as helping to protect babies, drive their mothers away from the care that could improve the babies' conditions.

Twelfth, hospital emergency rooms and trauma centers must triage patients such as you, or your family, because they are overwhelmed with prohibition-fueled gun-shot victims, with drug overdoses and poisonings, or with AIDS cases. When your children are injured on an athletic field, or you are injured in an automobile accident, or your spouse has a heart attack, or your mother's hip is broken in a fall, you or they, with those serious injuries, have to get in line behind the terrible cases that the prohibition anti-drug strategy has exacerbated.

Thirteenth, research into new psychiatric drugs has been delayed or eliminated because of prohibition. Doctors looking at the new research about brain chemistry are discouraged from engaging in research with drugs that affect the senses, moods, or feelings.

Fourteenth, drug prohibition leads to the spread of HIV, hepatitis, syphilis, gonorrhea and other sexually transmitted diseases through prostitution engaged in to raise the money to pay for illegal drugs.

Is it our interest to keep the price of drugs high and the people who are addicts in penury, or in the criminal underworld?

This Brings Us To The Economic Consequences To Our Community From Prohibition

Why are illegal drugs expensive? Is it good for us that illegal drugs are expensive? The U.S. Drug Enforcement Administration used to measure their success by the degree to which drugs became more expensive.

Illegal drugs are expensive because of risk. They are not expensive because of the raw materials, or the complexity of manufacture, or the cost of transportation of the product, or because of scarcity. None of the usual economic factors that makes goods expensive are present, but one: Very high risk is the principal factor in keeping the price of drugs high.

That risk is obvious — it is the risk of being arrested and imprisoned for long periods of time. Now it is obvious to everyone here that when one undertakes a legitimate investment of high risk, one does so in anticipation of making high gain. That is the case in illegal economics. By making drugs illegal and by zealously enforcing the drug laws we guarantee that those in the business will make enormous profits.

Who benefits from the high cost of drugs? The sellers benefit. They benefit handsomely. In our success-oriented, capitalistic society, drug selling is an extremely attractive means to make money quickly. But like every risky business, many people are discouraged from entering. But our culture teaches us to persevere, to run risks.

Prohibition increases the demand for medical care and makes medicines and medical services more expensive. Therefore health insurance costs go up, premiums go up, and fewer people have access to health care.

Prohibition increases the price of drugs. Therefore the amount of crime needed to be committed to pay for a given amount of drugs goes up. This increases costs, and increases the taxes to pay for more police, courts and prisons.

Prohibition increases property crime: Therefore security costs go up, inventory losses increase, insurance losses and costs go up, therefore prices for all goods and services go up.

Prohibition strategists however point out one advantage to the society and the drug addict from increasing the retail or street price of drugs. To the extent that drug demand by addicts is price inelastic, by raising the price the addict has to work harder to obtain the drugs necessary to maintain the habit, thus, it is argued, encouraging the addict to give up the addiction and enter treatment. To the extent that drug demand is price elastic, increasing the price means that drug users will buy lesser quantities of drugs, and therefore there will be less intoxication.

However, there is evidence that the more effective law enforcement is in raising the price of drugs, the more crime has to be committed: more burglaries, more muggings, more car break-ins, more shoplifting. Stolen property is fenced, that is, it is sold for an enormous discount. The addict who has to pay \$20 more per day for drugs has to steal \$100 more in property. Multiply those numbers by tens of thousands of addicts.

Increasing the supply of stolen property drives down the wealth of a community. Instead of assets increasing in value, they are marked down. Imagine that every time a house in your neighborhood was sold it was sold for $\frac{1}{3}$ or $\frac{1}{10}$ of what was paid for it. Imagine the economic consequences for your neighborhood. A large supply of stolen goods depresses the market for legitimate retailers.

Other drawbacks from increasing the street prices of drugs are that traffickers get wealthier faster, more persons are encouraged to enter into careers of drug selling, and traffickers have access to more capital for corruption and other crime.

The enforcement efforts of the war on drugs have increased the amount of economic activity engaged in for non-economic reasons. From 1983 through 1986 I conducted numerous hearings for the U.S. House Judiciary Committee on money laundering. The essence of money laundering is to convert the proceeds of crime into assets that cannot be traced to the crime but which the criminal can control. To carry out money laundering, one engages in numerous transactions, not because they are profitable or make economic sense, but because they serve to disguise the true parties to the transaction. This contributes to draining capital out of our neighborhoods.

Any of you who are in business know that to operate you need credit. Credit is vital to acquiring inventory, to expanding one's facilities. How do you compete with people who have access to unlimited funds, people like the drug dealers and their money launderers? Successful drug dealers control laundered assets which must be invested into legitimate enterprises to disguise their relationship to crime. To enter a legitimate business, instead of applying to a bank for a loan, the drug dealer "borrows" money from an overseas entity that he in fact controls, and which he in fact has capitalized. His

"interest" payments are actually income into another pocket. Almost any kind of business is useful for laundering money — whether it makes or loses money is okay.

Let's consider the impact on legitimate investment of new law enforcement strategies to carry out the prohibition movement. You buy a house and it has a basement that you convert into an apartment. You are able to afford your mortgage because of that extra income. You rent the apartment and your tenant grows marijuana in the basement, or uses the apartment to package cocaine. You don't know about it. You have no basis to suspect. But your tenant is arrested. The government searches the apartment and seizes it, because one of the major enforcement tools of the war on drugs is "asset forfeiture." As soon as the Government seizes that apartment you stop getting any rent.

Congress has given the government the power to seize property if there is probable cause to believe it is derived from drug trafficking. This is very important because "probable cause" is all that it has to show to win legal title to property it seizes. You could lose the apartment. Even though there is no evidence that could result in convicting you of a crime, there may be enough evidence to take your apartment away. The government doesn't have to prove the property was derived from drug trafficking by proof beyond a reasonable doubt. It doesn't have to prove a preponderance of the evidence. All it has to demonstrate to win permanent control of the property is the likelihood that the property was being used to conduct illegal activity. It just has to establish "probable cause" — the same level of suspicion needed to justify the arrest of someone or to satisfy a judge that he or she is authorized to issue a search warrant. There is no presumption of innocence. The burden of proof is on you who own the property to prove that the property was not derived from drug trafficking.

To make this power especially easy for law enforcement to use, the seizure of property can be made before anyone is indicted or accused of a crime. To make the use of this power especially tempting, the law enforcement agency gets to keep the property it seizes. The proceeds don't go to finance the general expenses of the government like other receipts, from fines, fees, or taxes — these funds stay in the hands of law enforcement agencies to use as they see fit.

What I have outlined is how prohibiting aggravates our crime problem, how it undermines our health care system, and how it is sapping our economy. Now some will say, drugs do that, drugs are the problem.

My response is that drugs don't exist in a vacuum. They are in our society as part of a system that we have set up. We must ask if the system is the best system. I have described what I argue are the costs of prohibition. Perhaps those costs are necessary to bear if prohibition will rid us of drugs.

Perhaps we might decide that as costly as prohibition is, we can afford it. Well, is the investment a good investment? Can prohibition succeed at some reasonable time in eliminating the cultivation of drug crops, or stopping the manufacture of drugs, or stopping the shipments of drugs or in arresting or deterring the drug sellers, or in eliminating demand? I spent nine years working with Members of Congress in trying to find answers to those questions. My answer is no. The Members whom I worked with want to be re-elected. They will refuse to surrender. Every two years, about a month before election day, they pass a new anti-drug, anti-crime bill that will win the war on drugs.

Our Prohibition Strategy Is Doomed To Continue To Fall

Crops of opium, coca and marijuana can't be controlled overseas. Even in the U.S., with our technology and sophisticated law enforcement, marijuana cultivation remains a major industry.

Shipment of drugs will continue to be smuggled into America. We are too big an importer of legitimate goods, over a trillion pounds of legal cargo — but we import less than half a million pounds of heroin and cocaine. Even the military can't stop drugs. Drugs become much more valuable once they're in the U.S. — many times their replacement cost overseas. No more than a small fraction, 10 to 20 percent, of all drug shipments can be stopped.

Domestic clandestine laboratories easily and cheaply synthesize new drugs.

Traffickers can't be eliminated. The profits are too great. New people enter the business every time someone is arrested — we can't find, let alone prosecute, more than a small fraction. If we let every thief, robber, murderer, rapist, burglar, car thief, forger, bank robber, counterfeiter and every other criminal who wasn't arrested for selling drugs, we would not have enough room in prison for all the drug sellers.

Drug users can't be stopped by force. Too many people like the effects from drugs. We can't punish more than a tiny fraction of the users. We can't afford to simply build more prisons. Many of the proposed punishments do more damage to the lives of the users than the drug themselves.

So What Can Be Done?

I call my program "comprehensive intoxication management." In a fundamental way, our society must address the many different factors that contribute to the demand for drugs: the inadequacy of our schools, inadequate employment opportunities, the alienation in many types of employment, the dysfunctional nature of so many of our families, the compulsion toward success and achievement, the many factors that lead to psychic pain in our complex and stressful culture.

We must undermine the drug culture, ending the promotion of drug use (particularly alcohol and tobacco) and mute the messages that drugs are a necessary ingredient for sex, for companionship, for fun, or to demonstrate success or sophistication.

We need to become a recovering society. Instead of building monuments to individual consumption, we need to build the institutions of community enrichment. The values of our competitive culture have to change. The ethos of the 1980s, "We're Number 1, We're the greatest," are the ethos of cocaine use. It is no wonder that basketball stars, salesmen and lawyers used cocaine so extensively. The sub-ethos, "I don't have time for the pain," is the other cultural prop for drug use.

Preventing drug abuse will be a long and slow process. Effective anti-drug education cannot simply be, "Just say no!" Drug education is more appropriately drug use education: how to make wise and informed drug use decisions. It must be comprehensive for over-the-counter drugs, prescription drugs, and "recreational" drugs (including alcohol). Rituals for controlling drug use should be reintroduced in the society. Perhaps drug use should be a licensed behavior. Why do we assume that any person over 21 should legally drink alcohol, when we know that at least 10 percent of the adult population will have problems with drinking?

Violations of public safety in the course of using drugs must be subject to sanctions, i.e. driving a vehicle under the influence of drugs or alcohol. That is true "user accountability." When a person is convicted of driving under the influence of

alcohol, their alcohol consumption license is suspended.

"Vendor accountability" is also necessary. Prohibition on sales to minors must be enforced. Sales to those who have lost their drug use privileges should be prohibited.

We must offer treatment to all those who want to stop using drugs, but recognize that treatment is a slow process, and recidivism is a part of that process.

The goal of comprehensive intoxication management is temperance — temperate use of drugs and alcohol. The point is not to legalize or decriminalize drugs, the point is to reduce the harm to society and individuals from the fact that drugs are a part of the environment, and cannot be eradicated.

Ten Principles Of Intoxication Management

(1) Redefine our drug strategy goal: We will try to reduce to a minimum the harms from drug use in our society, and maximize the benefits.

(2) There are no magic solutions to the problems of crime, violence and drug abuse. There will continue to be addicts and crime no matter what we do.

(3) Move slowly — not everything can be managed or regulated at once. Developing a regulated and policed market won't be easy or simple. Alcohol regulation (that is the regulation of just one drug) now has over 10,000 different Federal, state and local laws for beer, wine and whiskey. That is a clue that developing a regulatory scheme that is comprehensive can't be accomplished overnight.

(4) Be comprehensive. We must tighten up on alcohol and tobacco, the big killers in America. Last summer, in New York a baby taken away from her "crack-addicted" mother was killed by her drunken foster mother (*The New York Times*, 6-23-90). Let's end the availability of tobacco to children.

(5) Adopt a public health approach, not a criminal approach, toward all drugs. Regulation has to include anti-drug education. Honest prevention works. Cigarette smoking is down. Twenty-five million cigarette addicts have quit in the past 25 years. We don't jail or urine test cigarette smokers. We aren't defoliating North Carolina.

(6) Make compassion the basis for dealing with drug users and drug addicts. Addicts must not be treated like Old Testament lepers. Heroin addicts who won't want to quit ought to get clean, cheap heroin to prevent crime and disease. Medical assistance has to be easily available. This is a step in researching a policed and regulated market.

(7) Experiment with means of administration that are easier

to control, socially and culturally, as well as legally. Smoking drugs, nicotine, cocaine, heroin, marijuana, leads to more intense rushes. Oral ingestion is less intense and less habit-forming. We don't want to legalize crack, therefore we might examine whether the availability of beverage forms of cocaine can pull crack users out of that market. Some physicians argue that opium eating while addictive is far less dangerous than injecting heroin. We should experiment and find out if this will improve the lives of addicts, even if it doesn't "end addiction."

(8) Drug buyers should not have to patronize criminals. Therefore, marijuana could be taxed and sold to adults in packages with warning labels, minus promotion like tobacco and alcohol. Break the drugs and crime connections. Take the tens of billions of dollars in annual profits away from organized crime.

(9) Drugs should not be promoted or advertised. A significant sector of the current legal drug market does not have consumer-directed advertising. The public doesn't see ads selling brands of penicillin. Other markets don't have advertising either. You don't see ads saying, "Buy IBM stock, double your money in 60 days." End the advertising of drugs to children through "Spuds McKenzie," the Camel "Smooth Character" and the like.

(10) Insist upon genuine user accountability and responsibility. Drug or alcohol use cannot be an excuse for criminal or negligent conduct. In critical safety situations test for actual impairment, not for past use of intoxicants. Drug use can be dangerous. We can't save everybody from vices. But surveys show few Americans would try dangerous drugs even if they were legal.

Conclusion

The best control in a democracy is self-control, not police control. Encourage the development of self-control, not society's reliance upon police control which weakens individual responsibility.

Be confident that real pleasures are truly better than artificial pleasures, and that real accomplishments are more rewarding than imaginary accomplishments. When drug use is managed and drug sales are regulated, legally, culturally, and individually, we won't be a nation of zombies.

Ending the prohibition approach to drugs will free us from a great deal of hysteria, racial stereotyping, and scapegoating. Adopting a management approach toward the drug problems will encourage us to focus on the profound problems in all society of which drug use and abuse are symptomatic.